

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCS for HB 1 (2021)

Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>      </u>	(Y/N)
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER	<u>          </u>	

Committee/Subcommittee hearing bill: Judiciary Committee  
Representative Chambliss offered the following:

**Amendment (with title amendment)**

Remove lines 383-795 and insert:  
the court for admittance to bail in accordance with chapter 903.  
This subsection does not apply when the available facilities to  
house arrestees are filled to 75 percent of their capacity or  
greater.

Section 9. Subsection (2) of section 784.07, Florida  
Statutes, is amended and subsection (4) is added to that  
section, to read:

784.07 Assault or battery of law enforcement officers,  
firefighters, emergency medical care providers, public transit  
employees or agents, or other specified officers;  
reclassification of offenses; minimum sentences.-

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17           (2) Whenever any person is charged with knowingly  
18 committing an assault or battery upon a law enforcement officer,  
19 a firefighter, an emergency medical care provider, a railroad  
20 special officer, a traffic accident investigation officer as  
21 described in s. 316.640, a nonsworn law enforcement agency  
22 employee who is certified as an agency inspector, a blood  
23 alcohol analyst, or a breath test operator while such employee  
24 is in uniform and engaged in processing, testing, evaluating,  
25 analyzing, or transporting a person who is detained or under  
26 arrest for DUI, a law enforcement explorer, a traffic infraction  
27 enforcement officer as described in s. 316.640, a parking  
28 enforcement specialist as defined in s. 316.640, a person  
29 licensed as a security officer as defined in s. 493.6101 and  
30 wearing a uniform that bears at least one patch or emblem that  
31 is visible at all times that clearly identifies the employing  
32 agency and that clearly identifies the person as a licensed  
33 security officer, or a security officer employed by the board of  
34 trustees of a community college, while the officer, firefighter,  
35 emergency medical care provider, railroad special officer,  
36 traffic accident investigation officer, traffic infraction  
37 enforcement officer, inspector, analyst, operator, law  
38 enforcement explorer, parking enforcement specialist, public  
39 transit employee or agent, or security officer is engaged in the  
40 lawful performance of his or her duties, the offense for which  
41 the person is charged shall be reclassified as follows:

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42 (a) In the case of assault, from a misdemeanor of the  
43 second degree to a misdemeanor of the first degree.

44 (b) In the case of battery, from a misdemeanor of the  
45 first degree to a felony of the third degree. Notwithstanding  
46 any other provision of law, a person convicted of battery upon a  
47 law enforcement officer committed in furtherance of a riot or an  
48 aggravated riot prohibited under s. 870.01 shall be sentenced to  
49 a minimum term of imprisonment of 6 months.

50 (c) In the case of aggravated assault, from a felony of  
51 the third degree to a felony of the second degree.  
52 Notwithstanding any other provision of law, any person convicted  
53 of aggravated assault upon a law enforcement officer shall be  
54 sentenced to a minimum term of imprisonment of 3 years.

55 (d) In the case of aggravated battery, from a felony of  
56 the second degree to a felony of the first degree.  
57 Notwithstanding any other provision of law, any person convicted  
58 of aggravated battery of a law enforcement officer shall be  
59 sentenced to a minimum term of imprisonment of 5 years.

60 (4) For purposes of sentencing under chapter 921, a felony  
61 violation of this section committed by a person acting in  
62 furtherance of a riot or an aggravated riot prohibited under s.  
63 870.01 is ranked one level above the ranking under s. 921.0022  
64 for the offense committed.

65 Section 10. Subsections (3) through (9) of section 806.13,  
66 Florida Statutes, are renumbered as subsections (4) through

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67 (10), respectively, a new subsection (3) is added to that  
68 section, and present subsection (8) of that section is amended,  
69 to read:

70 806.13 Criminal mischief; penalties; penalty for minor.—

71 (3) Any person who, without the consent of the owner  
72 thereof, willfully and maliciously defaces, injures, or  
73 otherwise damages by any means a memorial, as defined in s.  
74 806.135, and the value of the damage to the memorial is greater  
75 than \$200, commits a felony of the third degree, punishable as  
76 provided in s. 775.082, s. 775.083, or s. 775.084. A court shall  
77 order any person convicted of violating this subsection to pay  
78 restitution, which shall include the full cost of repair or  
79 replacement of such memorial.

80 (9)-(8) A minor whose driver license or driving privilege  
81 is revoked, suspended, or withheld under subsection (8)-(7) may  
82 elect to reduce the period of revocation, suspension, or  
83 withholding by performing community service at the rate of 1 day  
84 for each hour of community service performed. In addition, if  
85 the court determines that due to a family hardship, the minor's  
86 driver license or driving privilege is necessary for employment  
87 or medical purposes of the minor or a member of the minor's  
88 family, the court shall order the minor to perform community  
89 service and reduce the period of revocation, suspension, or  
90 withholding at the rate of 1 day for each hour of community  
91 service performed. As used in this subsection, the term

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92 "community service" means cleaning graffiti from public  
93 property.

94 Section 11. Section 806.135, Florida Statutes, is created  
95 to read:

96 806.135 Destroying or demolishing a memorial.—

97 (1) As used in this section, the term "memorial" means a  
98 plaque, statue, marker, flag, banner, cenotaph, religious  
99 symbol, painting, seal, tombstone, structure name, or display  
100 that is constructed and located with the intent of being  
101 permanently displayed or perpetually maintained; is dedicated to  
102 a historical person, an entity, an event, or a series of events;  
103 and honors or recounts the military service of any past or  
104 present United States Armed Forces military personnel, or the  
105 past or present public service of a resident of the geographical  
106 area comprising the state or the United States. The term  
107 includes, but is not limited to, the following memorials  
108 established under chapter 265:

109 (a) Florida Women's Hall of Fame.

110 (b) Florida Medal of Honor Wall.

111 (c) Florida Veterans' Hall of Fame.

112 (d) POW-MIA Chair of Honor Memorial.

113 (e) Florida Veterans' Walk of Honor and Florida Veterans'  
114 Memorial Garden.

115 (f) Florida Law Enforcement Officers' Hall of Fame.

116 (g) Florida Holocaust Memorial.

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117        (h) Florida Slavery Memorial.

118        (i) Any other memorial located within the Capitol Complex,  
119 including, but not limited to, Waller Park.

120        (2) It is unlawful for any person to willfully and  
121 maliciously destroy or demolish any memorial, or pull down a  
122 memorial, unless authorized by the owner of the memorial. A  
123 person who violates this section commits a felony of the second  
124 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
125 775.084.

126        (3) A court shall order any person convicted of violating  
127 this section to pay restitution, which shall include the full  
128 cost of repair or replacement of such memorial.

129        Section 12. Subsections (3) and (4) of section 810.02,  
130 Florida Statutes, are amended to read:

131        810.02 Burglary.—

132        (3) Burglary is a felony of the second degree, punishable  
133 as provided in s. 775.082, s. 775.083, or s. 775.084, if, in the  
134 course of committing the offense, the offender does not make an  
135 assault or battery and is not and does not become armed with a  
136 dangerous weapon or explosive, and the offender enters or  
137 remains in a:

138        (a) Dwelling, and there is another person in the dwelling  
139 at the time the offender enters or remains;

140        (b) Dwelling, and there is not another person in the  
141 dwelling at the time the offender enters or remains;

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142 (c) Structure, and there is another person in the  
143 structure at the time the offender enters or remains;

144 (d) Conveyance, and there is another person in the  
145 conveyance at the time the offender enters or remains;

146 (e) Authorized emergency vehicle, as defined in s.  
147 316.003; or

148 (f) Structure or conveyance when the offense intended to  
149 be committed therein is theft of a controlled substance as  
150 defined in s. 893.02. Notwithstanding any other law, separate  
151 judgments and sentences for burglary with the intent to commit  
152 theft of a controlled substance under this paragraph and for any  
153 applicable possession of controlled substance offense under s.  
154 893.13 or trafficking in controlled substance offense under s.  
155 893.135 may be imposed when all such offenses involve the same  
156 amount or amounts of a controlled substance.

157  
158 However, if the burglary is committed during a riot or an  
159 aggravated riot prohibited under s. 870.01 and the perpetration  
160 of the burglary is facilitated by conditions arising from the  
161 riot; or within a county that is subject to a state of emergency  
162 declared by the Governor under chapter 252 after the declaration  
163 of emergency is made and the perpetration of the burglary is  
164 facilitated by conditions arising from the emergency, the  
165 burglary is a felony of the first degree, punishable as provided  
166 in s. 775.082, s. 775.083, or s. 775.084. As used in this

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subsection, the term "conditions arising from the riot" means civil unrest, power outages, curfews, or a reduction in the presence of or response time for first responders or homeland security personnel and the term "conditions arising from the emergency" means civil unrest, power outages, curfews, voluntary or mandatory evacuations, or a reduction in the presence of or response time for first responders or homeland security personnel. A person arrested for committing a burglary during a riot or an aggravated riot or within a county that is subject to such a state of emergency may not be released until the person appears before a committing magistrate at a first appearance hearing, however, this requirement does not apply when the available facilities to house arrestees are filled to 75 percent of their capacity or greater. For purposes of sentencing under chapter 921, a felony offense that is reclassified under this subsection is ranked one level above the ranking under s. 921.0022 or s. 921.0023 of the offense committed.

(4) Burglary is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if, in the course of committing the offense, the offender does not make an assault or battery and is not and does not become armed with a dangerous weapon or explosive, and the offender enters or remains in a:

(a) Structure, and there is not another person in the structure at the time the offender enters or remains; or



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192 (b) Conveyance, and there is not another person in the  
193 conveyance at the time the offender enters or remains.

194  
195 However, if the burglary is committed during a riot or an  
196 aggravated riot prohibited under s. 870.01 and the perpetration  
197 of the burglary is facilitated by conditions arising from the  
198 riot; or within a county that is subject to a state of emergency  
199 declared by the Governor under chapter 252 after the declaration  
200 of emergency is made and the perpetration of the burglary is  
201 facilitated by conditions arising from the emergency, the  
202 burglary is a felony of the second degree, punishable as  
203 provided in s. 775.082, s. 775.083, or s. 775.084. As used in  
204 this subsection, the terms "conditions arising from the riot"  
205 and ~~term~~ "conditions arising from the emergency" have the same  
206 meanings as provided in subsection (3) ~~means civil unrest, power~~  
207 ~~outages, curfews, voluntary or mandatory evacuations, or a~~  
208 ~~reduction in the presence of or response time for first~~  
209 ~~responders or homeland security personnel.~~ A person arrested for  
210 committing a burglary during a riot or an aggravated riot or  
211 within a county that is subject to such a state of emergency may  
212 not be released until the person appears before a committing  
213 magistrate at a first appearance hearing, however, this  
214 requirement does not apply when the available facilities to  
215 house arrestees are filled to 75 percent of their capacity or  
216 greater. For purposes of sentencing under chapter 921, a felony

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offense that is reclassified under this subsection is ranked one level above the ranking under s. 921.0022 or s. 921.0023 of the offense committed.

Section 13. Paragraphs (b) and (c) of subsection (2) of section 812.014, Florida Statutes, are amended to read:

812.014 Theft.—

(2)

(b)1. If the property stolen is valued at \$20,000 or more, but less than \$100,000;

2. The property stolen is cargo valued at less than \$50,000 that has entered the stream of interstate or intrastate commerce from the shipper's loading platform to the consignee's receiving dock;

3. The property stolen is emergency medical equipment, valued at \$300 or more, that is taken from a facility licensed under chapter 395 or from an aircraft or vehicle permitted under chapter 401; or

4. The property stolen is law enforcement equipment, valued at \$300 or more, that is taken from an authorized emergency vehicle, as defined in s. 316.003,

the offender commits grand theft in the second degree, punishable as a felony of the second degree, as provided in s. 775.082, s. 775.083, or s. 775.084. Emergency medical equipment means mechanical or electronic apparatus used to provide

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242 emergency services and care as defined in s. 395.002(9) or to  
243 treat medical emergencies. Law enforcement equipment means any  
244 property, device, or apparatus used by any law enforcement  
245 officer as defined in s. 943.10 in the officer's official  
246 business. However, if the property is stolen during a riot or an  
247 aggravated riot prohibited under s. 870.01 and the perpetration  
248 of the theft is facilitated by conditions arising from the riot;  
249 or within a county that is subject to a state of emergency  
250 declared by the Governor under chapter 252, the theft is  
251 committed after the declaration of emergency is made, and the  
252 perpetration of the theft is facilitated by conditions arising  
253 from the emergency, the theft is a felony of the first degree,  
254 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
255 As used in this paragraph, the term "conditions arising from the  
256 riot" means civil unrest, power outages, curfews, or a reduction  
257 in the presence of or response time for first responders or  
258 homeland security personnel and the term "conditions arising  
259 from the emergency" means civil unrest, power outages, curfews,  
260 voluntary or mandatory evacuations, or a reduction in the  
261 presence of or response time for first responders or homeland  
262 security personnel. A person arrested for committing a theft  
263 during a riot or an aggravated riot or within a county that is  
264 subject to a state of emergency may not be released until the  
265 person appears before a committing magistrate at a first  
266 appearance hearing, however, this requirement does not apply

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267 when the available facilities to house arrestees are filled to  
268 75 percent of their capacity or greater. For purposes of  
269 sentencing under chapter 921, a felony offense that is  
270 reclassified under this paragraph is ranked one level above the  
271 ranking under s. 921.0022 or s. 921.0023 of the offense  
272 committed.

273 (c) It is grand theft of the third degree and a felony of  
274 the third degree, punishable as provided in s. 775.082, s.  
275 775.083, or s. 775.084, if the property stolen is:

- 276 1. Valued at \$750 or more, but less than \$5,000.
- 277 2. Valued at \$5,000 or more, but less than \$10,000.
- 278 3. Valued at \$10,000 or more, but less than \$20,000.
- 279 4. A will, codicil, or other testamentary instrument.
- 280 5. A firearm.
- 281 6. A motor vehicle, except as provided in paragraph (a).
- 282 7. Any commercially farmed animal, including any animal of  
283 the equine, avian, bovine, or swine class or other grazing  
284 animal; a bee colony of a registered beekeeper; and aquaculture  
285 species raised at a certified aquaculture facility. If the  
286 property stolen is a commercially farmed animal, including an  
287 animal of the equine, avian, bovine, or swine class or other  
288 grazing animal; a bee colony of a registered beekeeper; or an  
289 aquaculture species raised at a certified aquaculture facility,  
290 a \$10,000 fine shall be imposed.

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291 8. Any fire extinguisher that, at the time of the taking,  
292 was installed in any building for the purpose of fire prevention  
293 and control. This subparagraph does not apply to a fire  
294 extinguisher taken from the inventory at a point-of-sale  
295 business.

296 9. Any amount of citrus fruit consisting of 2,000 or more  
297 individual pieces of fruit.

298 10. Taken from a designated construction site identified  
299 by the posting of a sign as provided for in s. 810.09(2)(d).

300 11. Any stop sign.

301 12. Anhydrous ammonia.

302 13. Any amount of a controlled substance as defined in s.  
303 893.02. Notwithstanding any other law, separate judgments and  
304 sentences for theft of a controlled substance under this  
305 subparagraph and for any applicable possession of controlled  
306 substance offense under s. 893.13 or trafficking in controlled  
307 substance offense under s. 893.135 may be imposed when all such  
308 offenses involve the same amount or amounts of a controlled  
309 substance.

310  
311 However, if the property is stolen during a riot or an  
312 aggravated riot prohibited under s. 870.01 and the perpetration  
313 of the theft is facilitated by conditions arising from the riot;  
314 or within a county that is subject to a state of emergency  
315 declared by the Governor under chapter 252, the property is

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316 stolen after the declaration of emergency is made, and the  
317 perpetration of the theft is facilitated by conditions arising  
318 from the emergency, the offender commits a felony of the second  
319 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
320 775.084, if the property is valued at \$5,000 or more, but less  
321 than \$10,000, as provided under subparagraph 2., or if the  
322 property is valued at \$10,000 or more, but less than \$20,000, as  
323 provided under subparagraph 3. As used in this paragraph, the  
324 terms "conditions arising from a riot" and ~~term~~ "conditions  
325 arising from the emergency" have the same meanings as provided  
326 in paragraph (b). A person arrested for committing a theft  
327 during a riot or an aggravated riot or within a county that is  
328 subject to a state of emergency may not be released until the  
329 person appears before a committing magistrate at a first  
330 appearance hearing, however, this requirement does not apply  
331 when the available facilities to house arrestees are filled to  
332 75 percent of their capacity or greater ~~means civil unrest,~~  
333 ~~power outages, curfews, voluntary or mandatory evacuations, or a~~  
334 ~~reduction in the presence of or the response time for first~~  
335 ~~responders or homeland security personnel.~~ For purposes of  
336 sentencing under chapter 921, a felony offense that is  
337 reclassified under this paragraph is ranked one level above the  
338 ranking under s. 921.0022 or s. 921.0023 of the offense  
339 committed.

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340 Section 14. Section 836.115, Florida Statutes, is created  
341 to read:

342 836.115 Cyberintimidation by publication.—

343 (1) As used in this section, the term:

344 (a) "Electronically publish" means to disseminate, post,  
345 or otherwise disclose information to an Internet site or forum.

346 (b) "Harass" has the same meaning as provided in s.  
347 817.568(1)(c).

348 (c) "Personal identification information" has the same  
349 meaning as provided in s. 817.568(1)(f).

350 (2) It is unlawful for a person to electronically publish  
351 another person's personal identification information with the  
352 intent to, or with the intent that a third party will use the  
353 information to:

354 (a) Incite violence or the commission of a crime against  
355 the person; or

356 (b) Threaten or harass the person, placing such person in  
357 reasonable fear of bodily harm.

358  
359 A person who violates this subsection commits a misdemeanor of a  
360 first degree, punishable as provided in s. 775.082 or s.  
361 775.083.

362 Section 15. Section 870.01, Florida Statutes, is amended  
363 to read:

364 870.01 Affrays and riots.—

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365       (1) A person commits an affray if he or she engages, by  
366 mutual consent, in fighting with another person in a public  
367 place to the terror of the people. A person who commits ~~All~~  
368 ~~persons guilty of an affray commits shall be guilty of a~~  
369 misdemeanor of the first degree, punishable as provided in s.  
370 775.082 or s. 775.083.

371       (2) A person commits a riot if he or she participates in a  
372 violent public disturbance involving an assembly of three or  
373 more persons, acting with a common intent to assist each other  
374 in violent and disorderly conduct, resulting in:

375           (a) Injury to another person;

376           (b) Damage to property; or

377           (c) An imminent danger of injury to another person or  
378 damage to property.

379  
380 A person who commits ~~All persons guilty of a riot commits, or of~~  
381 ~~inciting or encouraging a riot, shall be guilty of a felony of~~  
382 ~~the third degree, punishable as provided in s. 775.082, s.~~  
383 ~~775.083, or s. 775.084.~~

384       (3) A person commits aggravated rioting, if, in the course  
385 of committing a riot, he or she:

386           (a) Participates with nine or more other persons;

387           (b) Causes great bodily harm to a person not participating  
388 in the riot;

389           (c) Causes property damage in excess of \$5,000;



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390       (d) Displays, uses, threatens to use, or attempts to use a  
391 deadly weapon; or

392       (e) By force, or threat of force, endangers the safe  
393 movement of a vehicle traveling on a public street, highway, or  
394 road.

395  
396 A violation of this subsection is a felony of the second degree,  
397 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

398       (4) A person commits inciting a riot if he or she  
399 willfully incites another person to participate in a riot,  
400 resulting in a riot or an imminent danger of a riot. A person  
401 who commits inciting a riot commits a felony of the third  
402 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
403 775.084.

404       (5) A person commits aggravated inciting a riot if he or  
405 she:

406       (a) Incites a riot resulting in great bodily harm to  
407 another person not participating in the riot;

408       (b) Incites a riot resulting in property damage in excess  
409 of \$5,000; or

410       (c) Supplies a deadly weapon to another person or teaches  
411 another person to prepare a deadly weapon with intent that the  
412 deadly weapon be used in a riot for an unlawful purpose.  
413

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414 A violation of this subsection is a felony of the second degree,  
415 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

416 (6) Except for a violation of subsection (1), a person  
417 arrested for a violation of this section shall be held in  
418 custody until brought before the court for admittance to bail in  
419 accordance with chapter 903. This subsection does not apply when  
420 the available facilities to house arrestees are filled to 75  
421 percent of their capacity or greater.

422 (7) Nothing in this section shall be construed to prohibit  
423 constitutionally protected activity such as a peaceful protest.

424 Section 16. Section 870.02, Florida Statutes, is amended  
425 to read:

426 870.02 Unlawful assemblies.—

427 (1) If three or more persons meet together to commit a  
428 breach of the peace, or to do any other unlawful act, each of  
429 them commits ~~shall be guilty of~~ a misdemeanor of the second  
430 degree, punishable as provided in s. 775.082 or s. 775.083.

431 (2) A person arrested for a violation of this section  
432 shall be held in custody until brought before the court for  
433 admittance to bail in accordance with chapter 903. This  
434 subsection does not apply when the available facilities to house  
435 arrestees are filled to 75 percent of their capacity or greater.

436 -----  
437  
438 **T I T L E   A M E N D M E N T**

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Remove lines 42-83 and insert:

in custody until first appearance; providing an exception;  
amending s. 784.07, F.S.; requiring a minimum term of  
imprisonment for a person convicted of battery on a law  
enforcement officer committed in furtherance of a riot or an  
aggravated riot; increasing the offense severity ranking of an  
assault or battery against specified persons for the purposes of  
the Criminal Punishment Code if committed in furtherance of a  
riot or an aggravated riot; amending s. 806.13, F.S.;  
prohibiting defacing, injuring, or damaging a memorial;  
providing a penalty; requiring a court to order restitution for  
such a violation; creating s. 806.135, F.S.; providing a  
definition; prohibiting a person from destroying or demolishing  
a memorial; providing a penalty; requiring a court to order  
restitution for such a violation; amending s. 810.02, F.S.;  
reclassifying specified burglary offenses committed during a  
riot or an aggravated riot and facilitated by conditions arising  
from the riot; providing a definition; requiring a person  
arrested for such a violation to be held in custody until first  
appearance; providing an exception; amending s. 812.014, F.S.;  
reclassifying specified theft offenses committed during a riot  
or an aggravated riot and facilitated by conditions arising from  
the riot; providing a definition; requiring a person arrested  
for such a violation to be held in custody until first  
appearance; providing an exception; creating s. 836.115, F.S.;

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464 providing definitions; prohibiting cyberintimidation by  
465 publication; providing criminal penalties; amending s. 870.01,  
466 F.S.; prohibiting a person from fighting in a public place;  
467 prohibiting specified assemblies from engaging in violent and  
468 disorderly conduct resulting in specified damage or injury;  
469 providing an increased penalty for rioting under specified  
470 circumstances; prohibiting a person from inciting a riot;  
471 providing an increased penalty for inciting a riot under  
472 specified circumstances; providing definitions; requiring a  
473 person arrested for such a violation to be held in custody until  
474 first appearance; providing exceptions; amending s. 870.02,  
475 F.S.; requiring a person arrested for an unlawful assembly to be  
476 held in custody until first appearance; providing an exception;  
477 repealing s. 870.03,

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